

REMARKS

Claims 1, 5-7, 12, 13, 16, and 17 remain pending after the amendment of Claim 7 to correct a typographical error.

The examiner newly rejected independent Claims 1 and 7 in view of the combination of Baerlocher (US 6,406,369) and Seelig (US 5,664,998).

Baerlocher teaches a free bonus game played by a single player on a slot machine. It is not a competitive bonus round played by a plurality of players. The award is not related to the number of players playing, since only one player is playing (Baerlocher multiplies the player's bet based on the outcome of the bonus game). Seelig was cited for teaching a plurality of slot machine players playing a competitive game (a simulated horse race game). In Seelig, the award is not based on the number of players. No prior art was relied upon suggesting multiplying a base award for a free bonus game round multiplied by a multiplier that is based on the number of players playing the free game bonus round.

In **Claim 1**, multiple players simultaneously play a plurality of free bonus games. A base award is determined for winning the bonus games. The base award is then multiplied by a multiplier to obtain a multiplied award, wherein the multiplier is based on a number of players playing the bonus games. The multiplied award is then granted to at least the winning player of the bonus games.

It is conceded that slot machine tournaments are prior art. However, the award to the winning player in such games is either a fixed, predetermined award or a progressive jackpot. The award is not based on the number of players competitively playing in the tournament. **There is no base award in such prior art, and there is no multiplier in such prior art.**

A free game tournament is not like a lottery, a poker tournament, or other game where each player pays to enter the tournament. In such a case, the more players that enter, the more money is being made by the game sponsor while the odds of a particular player winning go down with each additional player. In such a case, it is only fair to the players to make the

award based on the total amount of money staked by all the players to play the game. Still, in such a case, there is no base award or multiplier.

In Applicant's game of Claim 1, the bonus games are free, so there is no pot of money that was generated by each player paying to play in the tournament. Therefore, even though the examiner states in the final office action that multiplying a base award by the number of players "would have been obvious to try," it is respectfully submitted that that there was no reason to even try to change the prior art. There was no problem to be fixed with the prior art slot machine tournament games where either the award is fixed or a progressive jackpot. Additionally, Applicant's free game bonus round is not related to tournaments where players pay to play in the tournament.

The rationale for Applicant's multiplying a base award for a free game bonus round does not exist in the prior art competitive slot machine games, and there can be no KSR "obvious to try" analysis applicable to Claim 1.

It is respectfully submitted that the examiner is using impermissible hindsight in concluding that the key element of Claim 1 is obvious without citing any prior art that teaches the limitation. A lottery system, a buy-in poker tournament, or other buy-in game is not relevant to Claim 1, since the game in Claim 1 is a plurality of "free" bonus games (i.e., no buy-in) and the prior art does not multiply any base award.

Therefore, the examiner cannot just rely on KSR in this case to personally conclude that Claim 1 is obvious since there is no definite problem with the prior art trying to be solved by the Applicant. This is true for most patents on slot machine games. If the examiner's same analysis were applied to the many thousands of slot machine game patents, such patents would be invalid since the rejection would not have been based on the prior art but only on an abstract "obvious to try" argument.

Therefore, Claim 1 and it dependent claims are submitted to be allowable over the cited prior art.

Independent Claim 7 multiplies the base award from the bonus games based upon players' rankings. Claim 7 recites that "the players being ranked at and end of the bonus round relative to one another."

Baerlocher multiplies the player's bet (col. 4, lines 1-3), and there is only a single player. Seelig only suggests a horse racing competitive game between slot machine players.

The examiner indicated that the combination of the prior art suggests Claim 7. However, there is no suggestion in the prior art of any multiplication of a base award where the multiplier is based on a player's ranking relative to other players. Without any prior art suggesting the feature, it is impermissible hindsight to reject Claim 7. There is no applicable "obvious to try" rationale since there is no real technical problem to be solved. As stated previously, the examiner's rationale for concluding obviousness could be applied to invalidate thousands of patents on slot machine games since no prior art is required for the examiner's rejection.

It is respectfully submitted that the combination of the art could not suggest Claim 7.

Accordingly, Claims 1 and 7 and their dependent claims are respectfully submitted to be allowable. Should the Examiner have any questions, please call the undersigned at (408) 382-0480 x202.

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Date of Signature

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